

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

UMG RECORDINGS, INC., *et al.*,

Plaintiffs,

v.

KURBANOV, *et al.*,

Defendants.

Case No. 1:18-cv-00957-CMH-TCB

STATUS REPORT

Plaintiffs respectfully submit this report to inform the Court of the status of discovery.

On June 4, 2021, this Court ordered Defendant Tofig Kurbanov (“Defendant”) to produce certain documents and to un-redact other documents by June 11, 2021. In its Order, this Court stated: “Defendant is advised that failure to comply with this Order may result in the entry of sanctions, including default judgment, pursuant to Federal Rule of Civil Procedure 37(b)(2).” ECF No. 97. Defendant did not produce or un-redact the documents on or before June 11, nor has he done so since then. The parties have conferred, and Defendant’s counsel has acknowledged that Defendant understands what the Court has ordered but refuses to comply with the June 4 Order.

On June 16, 2021, Plaintiffs filed a second discovery motion, requesting an order requiring Defendant to preserve and produce web server data. ECF No. 98. That motion is noticed for a hearing before the Court on June 25, 2021.

Plaintiffs intend to move for sanctions in connection with Defendant’s failure to obey the Court’s June 4 Order. Plaintiffs are currently assessing the appropriate sanctions to seek, including asking that the Court “designate[] facts be taken as established for purposes of the

action” and “prohibit[]” Defendant “from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence.” Fed. R. Civ. P. 37(b)(2)(A)(i)–(ii). In addition, Plaintiffs anticipate that other grounds for sanctions may arise if Defendant continues to refuse to comply with his discovery obligations, including in connection with Plaintiffs’ second discovery motion.

While Plaintiffs anticipate filing a motion for sanctions in the coming weeks, Plaintiffs are filing this Status Report now so that the Court is aware of this developing situation. Plaintiffs will be prepared to discuss these matters at the June 25 hearing.

Respectfully submitted,

Dated June 18, 2021

/s/ Scott A. Zebrak

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